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10 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

11
12 UNITED STATES OF AMERICA,
13 Plaintiff,
14 v.
15 MICHAEL ARTHUR ROGERS,
16 Defendant.
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CR 10-00042 SBA

STIPULATION TO CONTINUANCE
AND EXCLUSION OF TIME UNDER
THE SPEEDY TRIAL ACT, 18 U.S.C. §
3161 ET. SEQ.; [PROPOSED] ORDER

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19 IT IS HEREBY STIPULATED, by and between the parties to this action, that the change
20 of plea or trial setting date of December 2, 2010 presently scheduled at 10:00 a.m., before the Hon.
21 Donna M. Ryu, be vacated and re-set for January 5, 2011 at 10:00 a.m., before the Oakland Duty
22 Magistrate, for status or trial setting hearing.

23 The reason for this request is that Ellen Leonida, the undersigned Assistant Federal Public
24 Defender, recently discovered that there is additional discovery in this case, which she will receive
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2 today, December 1, 2010. Additionally, counsel must conduct further investigation in this matter
3 and it cannot be completed prior to the currently scheduled hearing date.

4 The parties agree and stipulate that the time until January 5, 2010 should be excluded,
5 under 18 U.S.C. §3161(h)(7)(A) because the ends of justice served by the granting of the continuance
6 outweigh the bests interests of the public and the defendant in a speedy and public trial. The
7 continuance is necessary to accommodate counsel's preparation efforts.

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9 Date: December 1, 2010

/s/
10 Ellen V. Leonida
11 Assistant Federal Public Defender
12 Counsel for defendant MICHAEL ROGERS

13 Date: December 1, 2010

/s/
14 Trevor L. Rusin
15 Assistant United States Attorney

I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/)
16 within this efiled document.

/S/ Ellen V. Leonida
17 Counsel for Defendant Michael Rogers

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ORDER

The court finds that the ends of justice served by the granting of the continuance outweigh the bests interests of the public and the defendant in a speedy and public trial. The continuance is necessary to accommodate counsel's preparation efforts and continuity of counsel. Based on these findings, IT IS HEREBY ORDERED THAT the above-captioned matter is continued to January 5, 2011 at 10:00 a.m., before the Oakland Duty Magistrate, and that time is excluded from December 2, 2010 until January 5, 2011 pursuant to 18 U.S.C. § 3161(h)(7)(a).

IT IS SO ORDERED.

12/1/2010

Date

Dawn

HON. DONNA M. RYU
UNITED STATES MAGISTRATE JUDGE